

**REMARKS:**

Claims 1-11 are pending and stand rejected.

Claim 11 has been canceled, and claim 10 has been amended to include the subject matter of claim 11.

**35 U.S.C. §§ 101 and 112:**

Claim 11 stands rejected under §§ 101 and 112. Claim 11 has been canceled, making these rejections moot.

**Double Patenting**

A. Claims 1-3 and 5 stand rejected under the judicially created doctrine of obviousness-type double patenting, as being unpatentable over claim 7 and 13 of US Patent Number 6,528,587, in view of Tomic et al (US Patent Number 5,709,915).

A Terminal Disclaimer based on the US 6,528,587 reference, in compliance with 37 CFR 1.321(c), is attached to this Response to overcome the rejection.

The '915 reference is a secondary reference used to point out that a metallocene catalyzed low density polyethylene is one of a laundry list of substances useful as an adhesive in a bonded polymer structure. The '915 reference fails to teach or suggest Applicant's claimed coextrusion tie composition.

B. Claims 4 and 6-11 stand rejected under the judicially created doctrine of obviousness-type double patenting, as being unpatentable over claim 7 and 13 of US Patent Number 6,528,587, in view of Tomic et al (US Patent Number 5,709,915), and Hata et al (US Patent Number 6,033,749).

A Terminal Disclaimer based on the US 6,528,587 reference, in compliance with 37 CFR 1.321(c), is attached to this Response to overcome the rejection; and the Tomic reference is discussed above.

The '749 reference is a secondary reference used by the Examiner to show the interchangeability of linear low density polyethylene and ethylene alkyl methacrylate as adhesive resins. The '749 reference (Column 5, lines 22-40) describes that the adhesive is not specifically

restrictive, and could include a modified polyolefin resin (and especially a carboxylic acid-modified polyolefin resin). The modified polyolefin can be obtained by copolymerization with an unsaturated carboxylic acid or an anhydride, such as maleic anhydride. An ethylene/alkyl (meth)acrylate is never specifically taught or suggested in the description or the Examples. Even if it had been, the '749 would still fail to teach or suggest Applicant's claimed coextrusion tie composition.

In view of the above, the Applicant believes that the reasons for rejection have been overcome, the claims herein should be allowable to the Applicant. Accordingly, reconsideration and allowance are requested.

Respectfully submitted;



Thomas F. Roland, Esq.  
Attorney for the Applicants  
Reg. No. 42,110

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Arkema, Inc.  
Patent Department - 26th Floor  
2000 Market Street  
Philadelphia, PA 19103-3222  
Tel (215) 419-7314  
Fax (215) 419-7075

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